

Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—Traffic and Highway Safety Division
Chapter 2—Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

PROPOSED AMENDMENT

7 CSR 60-2.030 Standards and Specifications. The Missouri Highways and Transportation Commission is amending section (1).

PURPOSE: This proposed amendment outlines the minimum standards and specifications for ignition interlock device approval and certification in the state of Missouri.

[PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.]

(1) Standards and Specifications.

(A) *[Before May 8, 2014, all devices installed into a vehicle must be based on electro-chemical fuel cell sensor technology and shall meet or exceed the standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Model Specifications for Breath Alcohol Ignition Interlock Devices" 57 FR 11772–11787 (April 7, 1992), which is incorporated by reference and made a part of this rule as published in the Federal Register by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and effective April 7, 1992. This rule does not incorporate any subsequent amendments or additions to this publication. On and after May 8, 2014, a]***All** breath alcohol ignition interlock devices installed into a vehicle must be based on electro-chemical fuel cell sensor technology and shall meet or exceed the standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Model Specifications for Breath Alcohol Ignition Interlock Devices" 78 FR 26849-26867 as published in the *Federal Register* by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and *[that shall become]effective [beginning on]May 8, 2014, which is hereby incorporated by reference and made a part of this rule. This paragraph does not incorporate any subsequent amendments or additions to this publication.*

1. Starting March 1, 2018, all devices approved by the Missouri Department of Transportation, Traffic and Highway Safety Division, shall provide the following real-time reporting capabilities -

A. Near real-time data transmission between the ignition interlock relay unit and the authorized service provider's server while the device is in use. All data, including photos and GPS coordinates if required, shall be available for viewing on the authorized service provider's website within ten (10) minutes from when the data was recorded on the device or as soon as cellular transmission will permit. This includes any last event data recorded after power off (e.g., skipped rolling retest data);

B. The capability to periodically awaken the device for data retrieval when not in use;

C. The date of the last upload noted on the driver's web account;

D. Utilize a reliable cell phone company as well as a cellular contract that includes roaming services. In cases where there is no cellular reception, the device shall store the data and send it as soon as cellular reception is available; and

E. The ability to contact the driver (program participant) when the device has not transmitted data after five (5) days to determine why data is not being transmitted. If the data cannot be transmitted after ten (10) days, the authorized service provider shall contact the Department of Transportation, Traffic and Highway Safety Division to indicate why the data is not being transmitted.

2. All devices approved by the Missouri Department of Transportation, Traffic and Highway Safety Division, must have a data storage system with sufficient internal memory to allow continuous recording and maintaining of all data for a minimum of thirty-seven days; store data with a backup system or in such a manner as not to be lost or affected by unintended data corruption, low vehicle battery voltage, loss of power supply or disengagement or disconnection of the device.

3. Photo identification technology when required by the court supervising authority, Department of Revenue, or Missouri statute must—

A. Include a reference photo of the participant at installation that is included as part of their electronic record;

B. Provide a wide angle view of the front cabin, including the passenger side, to help ensure a person is in the photo and shall be able to recognize that it is taking a photo of the person driving. The photo shall capture the entire face of the driver that can clearly identify the person providing the breath sample;

C. Produce a photo that is identifiable verification of the driver in all lighting conditions including extreme brightness, darkness and low light conditions; and

D. Include a photo for each requested breath test during the initial attempt to start the vehicle, all initial start retests, all rolling retests and whenever a violation occurs.

[1]4. All devices approved by the Missouri Department of Transportation, Traffic and Highway Safety Division, must contain an anti-circumvention feature to help deter bogus breath samples and that feature should not be disengaged by any other person, including, but not limited to, the installer.

[2]5. All devices approved by the Missouri Department of Transportation, Traffic and Highway Safety Division, shall be programmed to allow the vehicle to be restarted without requiring an additional breath test for three (3) minutes after the ignition has been turned off or the vehicle has stalled, except when the driver has failed to take a random test or has provided a breath sample over the alcohol setpoint.

[3]6. An ignition interlock installer shall—

A. Be prohibited from installing **or servicing** an ignition interlock device on a vehicle that is inoperable. Any vehicle towed in for installation **or servicing** must be driven away from the installation facility of its own power;

B. Ensure that a driver or other unauthorized person does not witness the installation or removal of an ignition interlock device; and

C. Inspect all vehicles prior to installation to determine that mechanical and electrical parts of the vehicle affected by an ignition interlock device are deemed in acceptable condition by the technician and not install a device unless and until the vehicle is in acceptable condition.

[4]7. The following anti-tampering measures shall be utilized when installing an ignition interlock device:

A. Place all connections between a device and the vehicle under the dash or in an inconspicuous area of the vehicle;

B. Cover all of the following connections with unique and easily identifiable seal, epoxy, resin, wire, sheathing, or tape:

(I) Any wiring between an ignition interlock device and the vehicle;

(II) All wires used to install the device that are not inside a secured enclosure; and

(III) All exposed electrical connections.

(B) All approved devices must have an alcohol setpoint of twenty-five thousandths (.025) for initial startup.

1. A device shall be programmed to allow a maximum of three (3) attempts to blow a breath sample below the alcohol setpoint within a ten- (10-) minute period.

2. Three (3) failed startup attempts within a ten- (10-) minute period shall result in a fifteen- (15-) minute temporary lockout.

3. Two (2) fifteen- (15-) minute temporary lockouts within a thirty- (30-) day period will result in a violations reset message.

4. The violations reset message shall instruct the operator to return the device to the installer for servicing within seven (7) days.

A. As the result of a reset message, the installer must download and calibrate the device.

B. The installer must report all violations to the court-ordered supervising authority within three (3) working days.

5. If the vehicle is not returned to the installer within seven (7) days, the device shall cause the vehicle to enter a permanent lockout condition.

(C) A rolling retest feature is required for all devices.

1. A device shall be programmed to require a rolling retest within five (5) minutes after the start of the vehicle and randomly during each subsequent thirty- (30-) minute time period thereafter as long as the vehicle is in operation.

2. Any breath sample **at or** above the alcohol retest setpoint of twenty-five thousandths (.025) or any failure to provide a rolling retest sample within five (5) minutes shall activate the vehicle's horn or other installed alarm and/or cause the vehicle's emergency lights to flash until the engine is shut off by the operator. Any three (3) breath samples, after startup, **at or** above the alcohol setpoint within a thirty- (30-) day period or three (3) refusals by the driver to provide a retest sample within a thirty- (30-) day period shall result in a violations reset message.

3. The violations reset message shall instruct the operator to return the device to the installer for servicing within seven (7) days.

A. As the result of a reset message, the installer must download and calibrate the device.

B. The installer must report all violations to the court-ordered supervising authority within three (3) working days.

4. If the vehicle is not returned to the installer within seven (7) days, the device shall cause the vehicle to enter a permanent lockout condition.

(D) The device shall be calibrated at least once every thirty (30) days. If the vehicle is not returned to the installer within seven (7) days of a scheduled service date, the device shall cause the vehicle to enter a service lockout condition.

(E) A device shall record data in its memory in such a manner that a hard copy report can be printed which includes all of the following information:

1. The date and time of any use or attempted use of a vehicle;
2. The date and time of any act or attempt to tamper or circumvent the device;
3. The date, time, and breath alcohol concentration, in grams per two hundred ten (210) liters of air, of each breath sample provided to the device;
4. The date and time of any malfunctions of the device;
5. The date and time of any failures to provide retest samples;
6. The date that a “service required” (that is, violations reset) message is issued to the operator;

7. The date that any service is performed; and

8. Photo identification and global positioning data when the features are enabled as required by the court supervising authority, Department of Revenue, or Missouri statute. The GPS and photo ID data should be captured during the events outlined in paragraphs 2. through 5. above.

(F) A device must provide all of the following information to an operator:

1. The device’s readiness for acceptance of a breath sample;
2. A numeric display of the breath alcohol concentration in grams per two hundred ten (210) liters of air, or a visual pass/fail indicator, or a combination audio response and visual pass/fail indicator, or a combination audio response and a numeric display;
3. A reminder seven (7) *[working]* days prior to a scheduled service date; and
4. A warning to obtain service within seven (7) days if any of the following conditions occur:
 - A. Any act or attempt to tamper or circumvent the device; and
 - B. A scheduled service date is missed.

(G) The sale or use of any type of remote code or reset feature allowing a driver to bypass an installed ignition interlock without providing **all required** pure breath samples *[at startup or during operation of the vehicle]* is prohibited. **The remote code or reset feature shall change for each use and shall only be good for a six hour (6) period. Each use of a remote code or reset feature shall be specified on the driver’s data log.**

(H) Shipping of ignition interlock devices or equipment to anyone other than the ignition interlock manufacturer, installation site, service center or state authority is prohibited.

*AUTHORITY: sections 302.060, 302.304, 302.309, **302.440-302.462**, RSMo, and 302.525, RSMo Supp. 2013, sections 577.041, 577.600–577.614, RSMo 2000 and RSMo Supp. 2013, and section 226.130, RSMo 2000.* This rule originally filed as 11 CSR 60-2.030. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. Moved to 7 CSR 60-2.030, effective Aug. 28, 2003. Emergency amendment filed May 7, 2009, effective July 1, 2009, expired Dec. 30, 2009. Amended: Filed May 7, 2009, effective Dec. 30, 2009. Emergency amendment filed April 8, 2010, effective April 18, 2010, expired Nov. 30, 2010. Amended: Filed April 8, 2010, effective Nov. 30, 2010. Emergency amendment filed Sept. 12, 2013, effective Oct. 1, 2013, expired March 29, 2014. Amended: Filed Sept. 12, 2013, effective March 30, 2014. Amended: Filed: October 17, 2016.*

Original authority: 577.600–577.614, see **Missouri Revised Statutes and 226.130, RSMo 1939, amended 1993, 1995.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will affect the costs to private entities, including

small businesses. The fiscal impact to ignition interlock manufacturers, distributors, and installers cannot be determined because it is impossible to predict if they will be able to meet the requirements and the number of new installations that this proposed amendment will impact. It also is difficult to determine the number of devices that will need to be switched to another device. Therefore, the dollar amount of the full impact of costs cannot be determined at this time, but is assumed that it will be more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*